

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-2631

Joseph Dixon,

Appellant,

v.

EquiCredit Corporation; Bank of
America, suing as Bank of America
Illinois TR,

Appellees.

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* Appeal from the United States
* District Court for the
* District of Minnesota.
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* [UNPUBLISHED]
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Submitted: November 28, 2003

Filed: December 8, 2003

Before BYE, BOWMAN, and MELLOY, Circuit Judges.

PER CURIAM.

Joseph Dixon appeals the district court's¹ adverse grant of summary judgment in his lawsuit against EquiCredit Corporation and Bank of America Illinois TR, arising out of a near property foreclosure. We grant Dixon's motion for review without a transcript. Having carefully reviewed the record, see Rowe v. Union

¹The Honorable Paul A. Magnuson, United States District Judge for the District of Minnesota.

Planters Bank of Southeast Mo., 289 F.3d 533, 535 (8th Cir. 2002) (standard of review), we agree with the district court that Dixon failed to rebut defendants' evidence so as to create trialworthy issues on the multiple federal and state claims he raised in his complaint. We also find no abuse of discretion in the district court's imposition of sanctions against Dixon. See Ivy v. Kimbrough, 115 F.3d 550, 553 (8th Cir. 1997) (standard of review). Accordingly, we affirm. See 8th Cir. R. 47B.

BYE, Circuit Judge, concurring in part and dissenting in part.

I would reverse the district court's decision to sanction an indigent defendant in a foreclosure case, and dissent from that portion of the majority opinion. I agree with the majority's opinion in all other respects.
